IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.7522 OF 2004.

Changdev Rau Nalawade. .... Petitioner.

versus

Grampanchaya Nalawadewadi .... Respondent.

Shri Chandrakant Chavan for the Petitioner.

CORAM : ABHAY S.OKA, J.

DATED : 9th December, 2004.

P.C.:

1. This petition under Article 227 of the Constitution of India is filed by unsuccessful Plaintiff in a suit filed in the year 1988. The suit was decided against him in the year 1993 and the Appeal came to be filed before the District Court in the same year. In the year 2004, an application for amendment of the plaint has been made by the Petitioner/Plaintiff. By the impugned Judgment and Order the said application has been rejected.

2. Considering the fact that the suit was filed in the year 1988 and the Appeal which is pending in the District Court was filed in the year 1993, I am not inclined to entertain this petition. Hence the petition is rejected. It is however made clear that at the time of hearing of the Appeal, the Petitioner can raise all permissible contentions. If the final order in Appeal is against the Petitioner, while challenging the final order by filing

appropriate proceedings, the Petitioner can always challenge the legality and validity of the impugned Judgment and Order.

3. Parties to act on authenticated copy of the order.

Judge.